

Background Materials for June 22, 2015

Agenda Items #1 through #11

Agenda Item #1 – Minutes

I have attached draft copies of the following minutes to the email transmittal for your consideration (these were previously transmitted to the members)

- 1). June 8, 2015 Special Planning Board Meeting

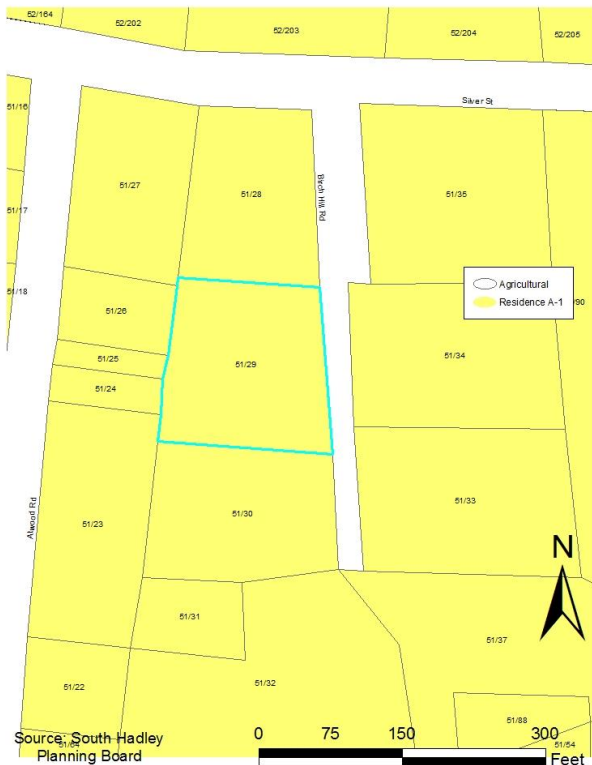
ACTION NEEDED: Review, edit and approve the minutes.

Agenda Item #2 – Bills and Correspondence

A list of the bills and correspondence are attached – at this time there are no bills to be paid.

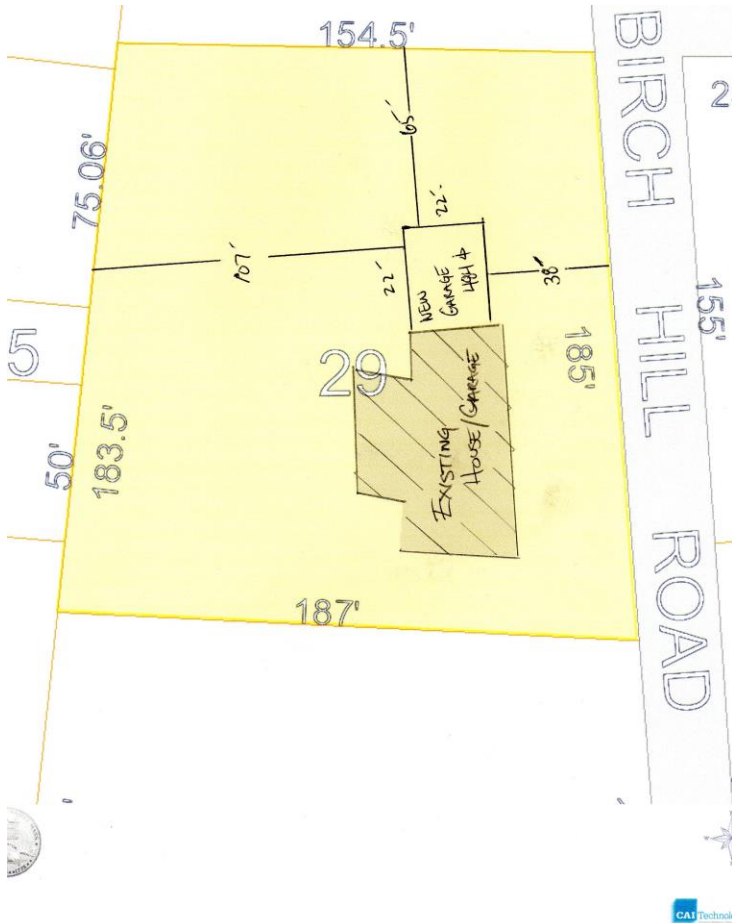
Agenda item #3 – Request for Waiver of Section 2(F) Special Permit – 6 Birch Hill Road

Scott Harvey of Summerwood Construction, Inc. has submitted a request to waive the Special Permit for alteration/modification/expansion of a nonconforming house at 6 Birch Hill Road. The subject property is zoned Residence A-1 which requires a 40-foot front setback. (See aerial photo and zoning map excerpts below)



The existing house appears to be approximately 37 feet from the front property line. However, absent a survey, this dimension could be even less. The owner of the property desires to

construct an attached garage which is to be approximately a foot further from the roadway than the existing structure as shown in the plan submitted with their request:



A copy of the applicant's complete submittal has been posted on the Town's webpage at the following link:

Alteration/expansion of the uses or structures require a Special Permit from the Planning Board under Section 2(F)2 of the Zoning Bylaw prior to permitting or undertaking any of the improvements/changes which may be granted but the Board must

"find that such change, extension or alteration will not be substantially more detrimental than the existing nonconforming use to the neighborhood in which it is located."

A waiver of the Section 2(F)2 Special Permit requirement may be granted if the changes/alterations are minor (such as, those of a cosmetic nature, those necessary for users/occupants safety, those necessary to

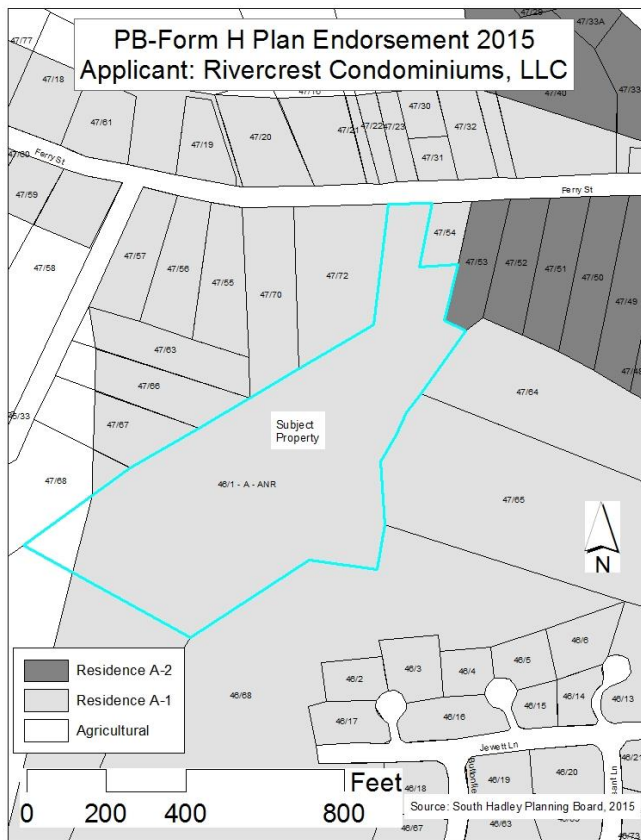
make the facility handicapped accessible, or any changes/alterations of a similar nature) and do not increase the capacity or change the use of the facility.

In this instance, the applicant is proposing to add an attached garage which will be closer to conforming to the required setback than the existing house. To conform to the setback, while possible, would not be in keeping with the aesthetic appearance of the property.

ACTION NEEDED: Determine whether the proposed changes meet the standard for granting of a Special Permit and whether the Special Permit process should be waived. The Board may wish to attach conditions to any such waiver it deems appropriate and necessary reasonably related to the proposed alterations/modifications.

Agenda #4 – Endorsement of Rivercrest Condominiums Form H Plan

As the Board is well aware, after extensive public hearings last year, the Board granted the Special Permit and a Stormwater Management Permit for this 29-unit condominium development to be located off the south side of Ferry Street. (See aerial photo and zoning map excerpts below)



In accordance with Section 6.00 of the Subdivision Regulations, the developers have submitted a Form H Plan for endorsement. Along with the Form H Plan, they have submitted, as required under Section 6.04 of the Subdivision Regulations, “a written statement guaranteeing that adequate ways furnishing access to all buildings will be provided in accordance with Sections 7.00 and 8.00 of” the Subdivision Regulations.

In compliance with the Special Permit granted April 10, 2014 for this project, the submittal also includes:

- Landscaping plan – which conforms to the Board’s approval of the landscaping plan granted October 27, 2014
- Stormwater Management Performance Guarantee in the form of a Tri-Party Agreement in the amount of \$350,000 – which conforms to the Board’s action set forth December 15, 2014

While Section 6.00 of the Subdivision Regulations do not call for review of the Form H Plan by the various departments, I have made the departments aware of the plan and invited comments. Generally, the departments have indicated they have no objections. However, there are matters that will need to be addressed by the developers as part of the building permit process and as part of managing the development (such as plowing the end of the roadway). These issues have been communicated to the developer’s consultant.

Special Counsel Joel Bard has reviewed the proposed Tri-Party Agreement and has advised that “the Agreement is acceptable as to form. Note that the wording is such that, as of July 1, 2017, the bank “shall release” the funds unless you have notified the bank that the developer is in default of his obligations. It does not appear that there are any “progress” deadlines. The hope and assumption, of course, is that all of the work will be done by then.” He suggested, as a precaution, that I note a date sufficiently in advance of July 1, 2017 to notify the bank of a potential default so that the agreement can either be extended or that other appropriate arrangements can be made. He further suggested that I would know by the end of the 2016 construction season what the prospects are for completion by July 2017. As an additional comment, he stated we will want to “request a certificate from Rivercrest Condominiums, LLC a Clerk’s certificate indicating that Raymond Authier is authorized to execute this Performance Guarantee.” In response, the developers have provided me with a copy of their Operating Agreement and advised that it authorizes Mr. Authier to sign on behalf of the entity.

The Form H Plan has been posted on the Town’s website at the following link:

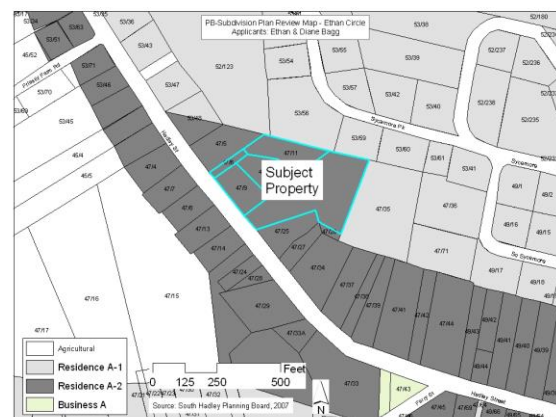
<http://ma-southhadley.civicplus.com/DocumentCenter/Home/View/1604>

This matter is NOT subject of a public hearing. Rather, the Board needs to review and act on the matter in a public meeting.

ACTION NEEDED: Within 60 days of submittal of the Form H Plan, the Board needs to either endorse or reject the Form H Plan. However, given the extensive review which occurred in 2014 and the review which the departments have provided this submittal, I think it is appropriate for the Board to endorse the Form H Plan as presented June 22, 2015. As part of this acceptance, the Board should vote to accept the Tri-Party Agreement as the Performance Guarantee.

Agenda #5 – Endorsement of Ethan Circle Definitive Subdivision Plan

As the Board is aware, in November 2014, the Board granted Definitive Plan approval for this 8 lot subdivision to be located on the northside of Hadley Street (Route 47) – see aerial photo and zoning map excerpts below.



As part of its approval, the Board attached a number of conditions which required submittal of additional documents including:

- Drainage Easement
- Water Utility Easement
- Sewer Easements
- Deed Attachments
- Homeowners Association Documentation

Section 5.05.4 of the Subdivision Regulations also require submittal of the following materials for endorsement:

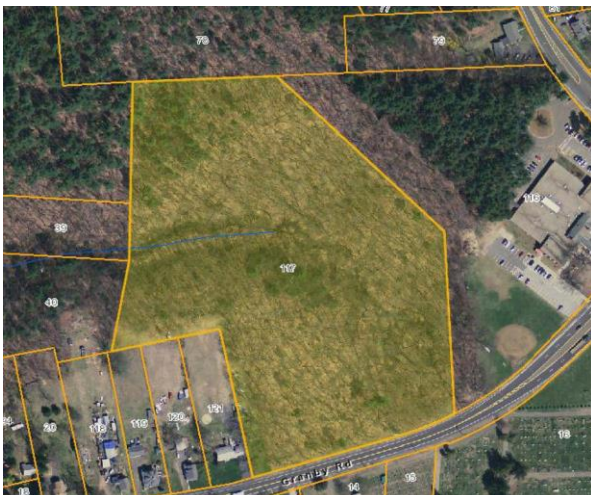
- Performance guarantee;
- Two (2) originals (one for recording and one for the Board's file) and two (2) prints of the Definitive Plan if no corrections to the same were necessary;
- street inspection fee to the Town Treasurer;
- In a form acceptable to the Town Counsel all deeds of easements as shown on the plan and submission of such deeds and documents to the Planning Board.

A Covenant Agreement is to be signed and submitted on Monday. The applicant has submitted the requisite number of Mylar and paper copies of the plans. A Street Inspection Fee is to be paid on Monday. The Town Counsel and I have reviewed the deeds, etc. and found them acceptable with a few changes – I anticipate the revised documents to be submitted no later than Monday.

ACTION NEEDED: If the required documents and payments are submitted on Monday, the Board needs to vote to Endorse the plan and at least three members need to sign the plan.

Agenda Item #6 – ANR Plan – Jennifer Carlton Hadley – Granby Road

In December 2014, the Town of South Hadley (Selectboard/Town Administrator/Conservation Commission) submitted and the Planning Board endorsed an ANR Plan which split the 14.4 acre parcel of property on Granby Road situated behind the Plains School into two parcels and so created a potential building lot for sale on Granby Road. The adjoining property owner has an agreement with the Town which involves transferring a portion of the potential building lot to the adjoining property owner. The property is located on the northside of Granby Road, One parcel, approximately 750 feet west of Route 33 (Lyman Street) and is zoned a mixture of Residence A-1 on the front and Residence A-2 to the rear (see aerial photo and map to the right and below):



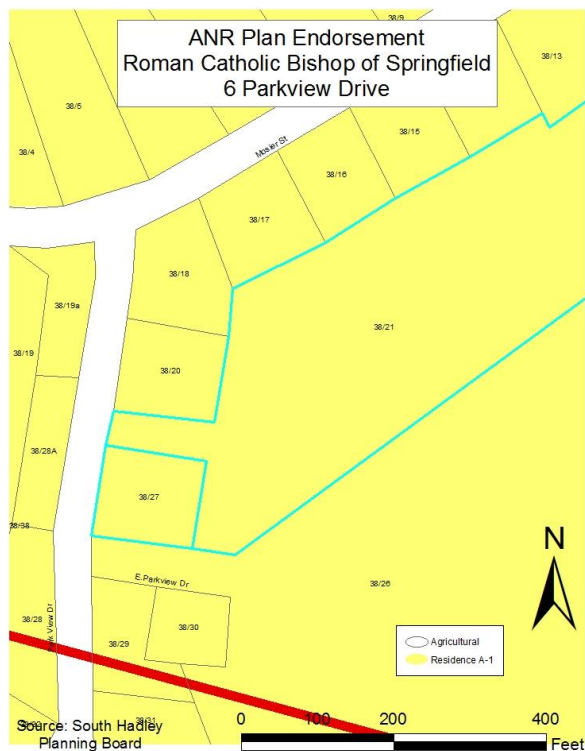
The ANR Plan presently before the board proposes to remove a 15,508 square foot portion of the 2 acre parcel created in December 2014 and add it to the property at 195 Granby Road. This will not preclude the remainder of the formerly 2 acre parcel from being a buildable lot as far as the zoning requirements.

Granby Road is a public maintained roadway. Based on the available information, I believe the ANR Plan is appropriate for to endorsement under the definitions and provisions of Chapter 41, Section 81L and Section 81P of MGL.

ACTION NEEDED: The Board must either endorse the plan or file a notice of denial with the Town Clerk. If the Board votes to endorse the ANR Plan, three members should sign the plan.

Agenda Item #11 – Other New Business - ANR Plan – West Parkview Drive (6)

I inadvertently omitted this ANR Plan endorsement from the posted agenda. Given that the Board is not scheduled to meet again until July 30th and ANR Plans must be acted upon within 21 calendar days, I believe it is appropriate to consider this plan under “Other New Business”.



The Roman Catholic Bishop of Springfield has submitted an ANR Plan which proposes to delete a 7,334 square foot portion of the 4.1 acre parcel to the side and behind 6 Parkview Drive and add it to the parcel at 6 Parkview Drive. The property is located on the eastside of Parkview Drive and is zoned Residence A-1 (see map to the left)

This matter was discussed with the Board as an informational item on May 11, 2015 before the applicant prepared and submitted the ANR Plan.

Parkview Drive is a public maintained roadway. Based on the available information, I believe the ANR Plan is appropriate for to endorsement under the definitions and provisions of Chapter 41, Section 81L and Section 81P of MGL.

ACTION NEEDED: The Board must either endorse the plan or file a notice of denial with the Town Clerk. If the Board votes to endorse the ANR Plan, three members should sign the plan.

Agenda Item #7 – Master Plan Matrixes

This is a continuation from several previous meetings at which time Mark, Jeff, Melissa, and Helen provided a synopsis of their reviews of the portions of the matrixes they had been assigned. The primary remaining matrix relates to the Planning Board responsibilities which Ms. Rosner indicated she would review and be prepared to discuss on June 22, 2015.

The review is to answer the following:

- What has been done?
- Has the Recommended Action been completed?
- Is the Recommended Action relevant today?
- What should be the priorities for the next five years?
- Is another party a better match for being responsible for implementation?

Given the scope of the agenda, there may not be time to review any of the Matrixes.

ACTION NEEDED: No definitive action is required at this time; however, the Board agreed at a March meeting to review each of the Recommended Actions on these matrixes.

Agenda Item #8 – Commercial Sign Regulations

At the last meeting, the Board indicated that a revision of the sign regulations was needed and it was agreed to focus on the portions of the regulations related to commercial signs. Section 8(F) provides the following regulations regarding signs in the Business and Industrial zoning districts:

1. Signs in Business and Industrial Districts. Signs pertaining to the occupant of the premises or to the type of goods sold or services rendered on the premises are permitted in the Business A-1, Business A, Business B, Business C, Industrial A, Industrial B, and Industrial Garden Districts, provided the following requirements are adhered to:
 - a. The sign or signs shall be attached parallel to the wall of the principal building; the aggregate area of such a sign or signs on any one face of a building shall be less than ten percent (10%) of the area of such building face including openings; and such signs do not extend above a flat roof or eave line of a pitched roof more than ten percent (10%) of the average height of the front elevation of such building. No sign shall be painted on the wall of any building.
 - b. One free-standing sign is permitted per lot if located at least thirty (30) feet from an adjoining lot line and ten (10) feet from the street line and does not exceed an area of one (1) square foot for each four (4) lineal feet of lot frontage occupied by the premises, or sixty (60) square feet, whichever is the smaller.
 - c. Signs with any moving or flashing part, all signs of the traveling light or animated type, and all beacons and flashing devices, whether a part of,

attached to, or apart from a sign are prohibited. All illumination of signs must be arranged and shielded so that the source shall not be visible from a public way or adjacent property.

- d. Notwithstanding the limitation of item 8(F)1.b, facilities with multiple tenants including separate tenants on free-standing parcels which were created as a plan for such facility (i.e., shopping centers, industrial parks, and office parks) are permitted to also have a single free-standing sign to identify the name and location of said center or park and list the names of the several businesses located in said center or park.
 1. This free-standing sign must be located at least thirty (30) feet from an adjoining lot line and ten (10) feet from the street line and does not exceed an area of one (1) square foot for each four (4) lineal feet of lot frontage occupied by the premises, or sixty (60) square feet, whichever is the smaller.
 2. Names of businesses located on individual parcels which were depicted as individual parcels on the site plan approved by the Planning Board and subsequently divided from the original parcel on which the center or park was developed, may be listed on the free-standing sign of the center or park; however, 50% of the area of the center or park sign which is occupied by the name of the business is to be deducted from the maximum size of the free-standing sign allowed on the individual parcel on which the business is located.
 3. The space allotted for the name of a business not located on the parcel on which the sign structure is located may not exceed twenty (20) square feet.
6. Temporary Signs. A temporary real estate sign, advertising the availability of the property for sale, may be erected for a period extending only until such property is sold. Such sign shall not exceed twenty (20) square feet in area and shall be located at least ten (10) feet from the street line or on a building if in closer proximity to the street line.

There are other sign regulations related to specific commercial enterprises including:

Section 7(A) – Home Occupations

Home Occupations 1

No signs denoting the conduct of the home occupation business shall be permitted or displayed on the property.

Home Occupations 2

Signs used in conjunction with a home occupation shall not be animated or illuminated and shall not exceed one square foot and must be affixed to the residence

and not be free-standing. The Planning Board may approve a small (up to 0.25 square feet) name plate to be affixed to a free-standing mailbox structure as a condition of the Site Plan Review.

Section 7(M) – Professional Business

1. A single sign may be permitted on each parcel. The sign may be approved for placement either flat on the building in which the Professional Business is located or free standing on the parcel. Sign illumination by means of continuous indirect lighting may be permitted. The cumulative size of the sign structure permitted shall be within the discretion of the SPGA but in no case shall it exceed sixteen (16) square feet; provided, however, the SPGA may permit the area of the sign to be calculated by the area within the border of the sign and not as provided in Section 3(B)68 of the Zoning By-Law.
 - a. The Planning Board may also permit one (1) additional sign per business (not to exceed one (1) square foot in area) to be located on the exterior of the building.

Section 7 (R) – Bed and Breakfast

signage shall be limited to an announcement sign as permitted under Section 7, Subpart (A).

Among the concerns raised at the last meeting were:

- 1) Roof signs being permitted
- 2) The allowed height of signs

ACTION NEEDED: No definitive action is required at this time; however, the Board may wish to provide some guidance as to how this matter should be addressed – an advisory committee, have me research other communities and report back to the Planning Board.

Agenda Item #9 – Possible Bylaw Amendments

I included this item in the event we have time to discuss possible bylaw amendments (General and Zoning) for this coming Fall Special Town Meeting.

ACTION NEEDED: No action is required at this point, but some Board direction on this matter would be helpful to keep items on track for the Fall 2015 Special Town Meeting.

Agenda Item #10 - Development Update and Planner's Report

I will provide a report on the following items:

a. Development Report

Quality Fleet Services, Inc.: This company has acquired property off New Ludlow Road and has submitted an application for Site Plan Review to construct a 14,580 square foot commercial vehicle maintenance facility. The public hearing on the Site Plan Review will be scheduled for Thursday, July 30, 2015.

Annafield Estates Subdivision: This project is moving towards final completion very shortly.

34 Bridge Street: To my knowledge, no change has occurred regarding this matter.

One Canal Street and 27 Bardwell Street: No application for either project has been received as of June 19, 2015.

Mountainbrook Street Acceptances: To my knowledge, no change has occurred regarding this matter.

b. *Pioneer Valley Planning Commission*

Housing Plan. We have executed the necessary grant and other contracts to begin work on this project as of June 1, 2015. At the last meeting, the Board approved requesting that the Selectboard appoint an ad hoc advisory committee. It is apparent that such a committee will not be appointed. Since an advisory committee is essential for the Housing Production Plan, the Planning Board may serve as that advisory committee and designate several persons as Technical Advisors who have specific technical knowledge of the housing market related to the Housing Production Plan. I am discussing this matter with the PVPC personnel.

South Hadley Falls 40R District. We have been advised by the State of some rather minor changes that need to be made in the draft Zoning Amendment prior to obtaining the State's Preliminary Letter. We anticipate receiving the Preliminary Letter by the end of June/very early July 2015.

c. *Meeting Schedule through September 2015*

This is to recap the meeting schedule that the Board accepted through September 30th:

- a) July 30, 2015
 - b) August 17, 2015
 - c) August 31, 2015 (if necessary)
 - d) September 21, 2015
- d. *Professional Development Day – Held on April 17, 2015:* It appears the focus of the Professional Development Day was on public safety and security.
- e. *Workshops/Training Opportunities*
- f. *OnLine Permitting Program*
- g. *New Town Website:* working on better managing the Board's materials on the website.

Agenda Item #11 – Other New Business

I have included this agenda item for Board members to bring up new items (for discussion and future consideration) that are not on the agenda and which the Chair could not reasonably expect to be discussed/considered as of the date which the agenda was posted.